

IN THE COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL DISTRICT OF RED DEER

BETWEEN:

HER MAJESTY THE QUEEN

- and -

JULIAN OLIVER THOMSON

Accused

AGREED STATEMENT OF FACTS

Pursuant to the provisions of Section 655 of the *Criminal Code of Canada*, the following contains facts, which are alleged by the Crown and admitted by the Accused, JULIAN OLIVER THOMSON, for the purpose of dispensing with formal proof thereof on charges:

JULIAN OLIVER THOMSON stands charged

That he, on or about the 25th day of November, 2011, at or near Red Deer, Alberta, did unlawfully cause the death of Zaria McCall, thereby committing Manslaughter, contrary to Section 236(B) of the *Criminal Code of Canada*.

The Accused, JULIAN OLIVER THOMSON hereby admits the following:

SUMMARY

1. Julian Oliver THOMSON is the father of the deceased Zaria McCALL, who was born on July 27, 2011.
2. Zaria McCALL resided with Julian THOMSON and the mother Vicky McCALL at [REDACTED]


3. Julian THOMSON and Vicky McCALL had previously been in a relationship, that had ended some time before November 25, 2011, but they continued to reside in the same residence and share parenting of their only child, Zaria.
4. Zaria McCALL was alone in Julian THOMSON's care on November 25, 2011 between the hours of 5:30 pm and 6:15 pm when she received injuries that resulted in her death.
5. Laurie SANFORD arrived at Julian THOMSON's residence at 6:15 pm, finding Julian THOMSON and Zaria MCCALL alone in the residence. Zaria had visible head injuries and was unresponsive.
6. Laurie SANFORD had a conversation with Julian THOMSON about getting medical care for Zaria McCALL, called her husband, who came and picked up the two of them, and they went to the hospital.
7. Zaria McCALL was treated at the Red Deer Regional Hospital, and due to the extent of her injuries was airlifted to the Stollery Children's Hospital in Edmonton.
8. On November 26, 2011 at approximately 12:45 a.m. Zaria McCALL died as a result of her head injuries.
9. Medical imaging and Autopsy of Zaria McCALL show the following injuries:
 - a. A CT Scan of Zaria McCALL's head from the Red Deer Regional Hospital showed 3 separate Fractures.
 - b. A CT Scan of Zaria McCALL's head had the following other findings:
 - i. There is a large acute to sub acute left subdural hemorrhage layering over the left cerebral convexity and along the falx superiorly and at the level of the lateral ventricles posteriorly. This has a maximal thickness of 1.3 cm.
 - ii. Adjacent to the left frontal lobe there is marked associated mass effect on the underlying brain parenchyma with sulcal effacement, midline shift leftward by 1.0cm, mass effect on the left lateral ventricle and entrapment of the right ventricle.
 - iii. There is also left uncal herniation. Subdural blood is also noted overlying the tentorium.
 - c. On Autopsy, the Medical Examiner determined the cause of death to be as Homicide as result of Blunt Force Trauma and observed multiple skull fractures at the vertex:

- i. a left frontal bone fracture with 4mm of distraction at the fracture site.
 - ii. a mildly displaced left parietal fracture posteriorly
 - iii. a mild comminuted fracture of the right posterior parietal bone.
- d. On Autopsy the following injuries were also noted:
 - i. A abrasion behind the right ear of Zaria, like small scrape.

SEQUENCE OF EVENTS

10. On November 24, 2011 at approximately 3:00 p.m. Zaria MCALL's mother (Vicky MCCALL) left Zaria in the care of Julian THOMSON and departed for Edmonton. Later that same date Julian THOMSON left Zaria in the care of a babysitter (Laurie SANFORD) for the evening, while he went to work. At approximately 10:30 p.m. Julian THOMSON attended Laurie SANFORD's residence to pick up Zaria, however, due to the cold night and lack of transportation he and Zaria slept over at Laurie SANFORD's home.
11. On November 25, 2011 Laurie SANFORD left her residence in the early morning to go to work, while Julian THOMSON and Zaria were still sleeping. At approximately noon on this date, Julian THOMSON attended to Amanda KOCH's residence with Zaria, at which time Amanda KOCH took photographs of Zaria with her iPhone. Zaria was healthy and happy at this time, without any visible injuries. Since Zaria was fussing and fighting sleep, Julian THOMSON and Amanda KOCH walked to Julian THOMSON's residence with Zaria in the stroller. By the time they arrived at Julian THOMSON's residence Zaria was asleep. Zaria was left to sleep in the stroller while Julian THOMSON made food for him and Amanda KOCH. Amanda KOCH stayed over at Julian THOMSON's residence, caring for Zaria until approximately 5:30 p.m. when she left. Julian THOMSON was alone with Zaria in the residence at this time and Zaria was healthy and had no injuries.
12. On November 25, 2011 at approximately 6:15 p.m. Laurie SANFORD attended Julian THOMSON's residence to pick up Zaria for babysitting that evening. At this time Julian THOMSON was changing Zaria into a sleeper but Laurie SANFORD observed visible head injuries on Zaria and noted that Zaria was unresponsive. She asked what happened, and Julian THOMSON told her that Zaria banged her head. Ms. SANFORD asked why she wasn't crying, and Julian THOMSON told her she screamed once and then went quiet. Ms. SANFORD observed Julian THOMSON pick up Zaria after he finished changing her and noted Zaria was limp and her eyes were ½ open and ½ closed. Laurie SANFORD told Julian THOMSON that

- Zaria had to go to the hospital and arranged for her husband Bruce SANFORD to drive them to the Red Deer Regional Hospital.
13. Shortly after arrival at the Red Deer Regional Hospital Zaria was transported to the Stollery children's hospital in Edmonton via stars air Julian THOMSON explained the injuries to Zaria by telling Laurie SANFORD that Zaria had hit her head on the excersaucer she had been playing in. A non-cautioned witness statement was obtained from Julian THOMSON where he provided a slightly different version of events to police. He said that he had been busy on the computer, heard a sound from Zaria, looked over at the excersaucer and found Zaria to be in distress.
 14. During the 45 minutes between when the Amanda KOCH left and Laurie SANFORD arrived, Julian THOMSON was the sole person with Zaria McCALL. Julian THOMSON has confirmed in statements that he was alone with Zaria in his residence.
 15. On November 26, 2011 at approximately 12:45 a.m. Zaria MCCALL died as a result of her head injuries.
 16. On November 28, 2011 an autopsy was conducted on Zaria MCCALL. Zaria MCCALL's death was ruled as a homicide by blunt force trauma.
 17. On November 29, 2011 the family and friends of Julian THOMSON confronted him about the story he provided and they asked him for the truth. Julian THOMSON provided the following version of events to them:
 - a. He was on "Facebook" when he received a message either from Vicky or about Vicky which made him upset;
 - b. Zaria was crying so he went to pick her up. When he picked up Zaria he saw Vicky's face;
 - c. He shook Zaria and kept saying "Quiet, Quiet";
 - d. He then dropped Zaria and she bounced.
 18. On December 1, 2011 Julian THOMSON attended the Red Deer City R.C.M.P. Detachment to turn himself in and was arrested by Cst. Spink. Julian THOMSON was provided with his Charter rights and police caution then provided access to a phone in order to contact a lawyer. Julian THOMSON spoke with a lawyer for approximately one hour.

19. Prior to Julian THOMSON being placed into his cell an undercover operation commenced, which involved placing an undercover officer into the same cell as Julian THOMSON, supported by an authorization to intercept private communications by consent. Shortly after being placed into the cell, and prior to any police interview, Julian THOMSON confessed his involvement in causing the death of Zaria MCCALL. Julian THOMSON provided the same basic version of events as that which he provided his family members as previously detailed.
20. Julian THOMSON was subsequently interviewed by Cst. Spink.
 - a. THOMSON is not 100% sure that Zaria is his daughter.
 - b. THOMSON decided to move to Red Deer in January 2011.
 - c. 
 - d. July 1st THOMSON moved into his place.
 - e. MCCALL did not work and would do nothing at home. THOMSON would work and then take care of Zaria. When THOMSON was not working he was looking after Zaria. MCCALL would leave when THOMSON got home or was not there when he got home.
 - f. THOMSON felt like he was being used and mistreated and generally was not happy in current situation.
 - g. On October 1st 2011 THOMSON and MCCALL broke up but THOMSON allowed MCCALL to continue to live with him.
 - h. Vicky McCALL left for the weekend on Thursday Night, leaving Zaria in his care.
 - i. THOMSON was at Laurie's on Thursday and spent the night.
 - j. On Friday THOMSON went to Mandy's place. At around 4:00 PM Mandy took a picture of Zaria on her phone.
 - k. Mandy, Zaria and THOMSON then returned to his place. THOMSON cooked supper for Mandy.
 - l. Mandy left at 5:00.
21. In relation to the incident the following was said:

- a. THOMSON fed Zaria right after Mandy left and once done feeding her placed her in her excersaucer.
- b. THOMSON then was on his computer and was on Facebook [REDACTED]
[REDACTED]
- c. Zaria started to cry at around 5:50 PM and THOMSON went and picked her up. THOMSON was holding her trying to calm her down and Zaria would not calm down.
- d. THOMSON started to think of MCCALL and got upset that she did nothing to help with Zaria.
- e. THOMSON looked at Zaria and did not know who she was and lost it.
- f. THOMSON said he shook Zaria MCCALL because she was crying, and when holding Zaria he saw Vicky's face. During the course of the shaking Zaria's head hit the excersaucer twice and he then threw Zaria to the floor at which time "Zaria may have hit her head on the excersaucer on the way down".
- g. THOMSON made a comment that he did not slam her down but that he threw her as he was standing on the opposite side of the coffee table.
- h. THOMSON advises that he had blacked out and that he was in fog and he does not remember what actually happened.
- i. THOMSON then picked up Zaria who was laying on the floor. Zaria's head was moving in a circular motion and her eyes and were opening and closing and then she passed out.
- j. THOMSON then placed her on the bed and noticed that her chest was still moving. He noticed that there was a bruise and a bump on the back of the head and knew that Zaria was hurt and that she had to go to the hospital.
- k. The events had happened 10- 15 minutes before Laurie SANFORD arrived.
- l. He buzzed Laurie in who then called her husband and they left for the hospital.